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August 31, 2006

DEPARTMENT OF ENERGY
OFFICE OF HEARINGS AND APPEALS

Hearing Officer's Decision

Name of Case: Personnel Security Hearing
Date of Filing: August 23, 2005
Case Number: TSO-0287

This Decision concerns the eligibility of XXXXXXXXXXXXXXXX (hereinafter "the Individual") for continued access authorization. This decision will consider whether, based on the testimony and other evidence presented in this proceeding, the Individual's access authorization should be granted. For the reasons detailed below, it is my decision that the Individual's access authorization should be granted.

I. APPLICABLE REGULATIONS

The regulations governing the Individual's eligibility are set forth at 10 C.F.R. Part 710, "Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material." Under Part 710, the DOE may suspend an individual's access authorization where "information is received that raises a question concerning an individual's continued access authorization eligibility." 10 C.F.R. § 710.10(a). After such derogatory information has been received and a question concerning an individual's eligibility to hold an access authorization has been raised, the burden shifts to the individual to prove that "the grant or restoration of access authorization to the individual would not endanger the common defense and security and would be clearly consistent with the national interest." *See* 10 C.F.R. § 710.27(a).

Derogatory information includes, but is not limited to, the information specified in the regulations. 10 C.F.R. § 710.8. In considering derogatory information, the DOE considers various factors including the nature of the conduct at issue, the frequency or recency of the conduct, the absence or presence of reformation or rehabilitation, and the impact of the foregoing on the relevant security concerns. 10 C.F.R. § 710.7(c). The ultimate decision concerning eligibility is a comprehensive, common sense judgment based on a consideration of all relevant information, favorable and unfavorable. 10 C.F.R. § 710.7(a).

II. BACKGROUND

The Individual has been employed by a contractor at a DOE facility in a position which requires him to have an access authorization. The Individual's employer sought to upgrade the Individual's current security clearance. During the course of the Local Security Office's (LSO) investigation, allegedly derogatory information was discovered that concerned an extensive period of misuse of alcohol and attempts at treatment for alcohol-related problems. The LSO then conducted a Personnel Security Interview (PSI) with the Individual in December 2004 to inquire about the alleged derogatory information. Because the PSI did not resolve the security concerns regarding the Individual's past misuse of alcohol, the Individual was referred to a DOE consultant-psychiatrist (the Psychiatrist) for an evaluation concerning his alcohol consumption. The Psychiatrist interviewed the Individual and, in April 2005, issued a psychiatric evaluation report.

In his April 2005 report, the Psychiatrist determined that the Individual suffered from "Alcohol Dependence with Physiological Dependence in sustained full remission." DOE Exhibit (Ex.) 6 at 36. The Psychiatrist indicated that the Individual's problem with alcohol was a condition which caused or may cause a significant defect in judgment or reliability. *Id.* at 39. While noting that the Individual was very active in Alcoholics Anonymous (AA), the Psychiatrist reported that the Individual had provided false information to the DOE concerning his past alcohol use. Given that fact and the fact that the Individual had been through numerous alcohol treatment programs and had relapsed afterward, the Psychiatrist opined that the Individual would have to be abstinent from alcohol for a period of five years and provide independent evidence confirming that abstinence, such as third party testimonials, in order to demonstrate adequate rehabilitation.¹ Transcript of Hearing (Tr.) at 38.

In July 2005, the DOE informed the Individual that the Psychiatrist's report, taken together with the Individual's extensive history of alcohol misuse, constituted derogatory information that created a substantial doubt as to the Individual's continued eligibility for an access authorization under 10 C.F.R. § 710.8(h), (j) (Criteria H and J). July 2005 Letter from Manager, Personnel Security Division, to Individual (Notification Letter). The DOE also cited the Individual's failure to provide a truthful answer regarding his consumption of alcohol during a 1999 PSI and the 2004 PSI as derogatory information under 10 C.F.R. § 710.8(f) (Criterion F). Upon receipt of the Notification Letter, the Individual requested a hearing in this matter. The LSO forwarded the request to the Office of Hearings and Appeals (OHA). The OHA Director appointed me to serve as the hearing officer.

¹ The Psychiatrist stated in his report the Individual "has had sufficient rehabilitation." *Id.* at 38. Based on the Psychiatrist's testimony in this proceeding, I interpret this statement as meaning the Individual had already participated in sufficient formal treatment programs but has not been abstinent long enough to satisfy the Psychiatrist's requirements for a determination of rehabilitation.

A hearing was held in this matter. At the hearing, the Individual was represented by counsel. The Individual offered his own testimony, as well as that of a co-worker and his Alcoholics Anonymous sponsor. The local DOE office presented two witnesses, the Psychiatrist and a personnel security specialist from the LSO.

III. ANALYSIS

The facts are not in dispute in this case. A brief summary is provided below.

The Individual's misuse of alcohol began approximately in 1993 around the time of his divorce from his wife. Ex. 18 at 11-12. During that year, he sought treatment for his alcohol problem at a treatment facility. Ex. 18 at 7. Nevertheless, the Individual resumed consuming alcohol. The Individual was arrested in January 1994 for Driving Under the Influence of Alcohol (DUI). Ex. 8 at 2. In June 1994, the Individual was terminated from his employment for reporting to work while intoxicated.² Ex. 18 at 15-16; Ex. 5 at 3. Despite his attempts to address his alcohol problem, in July 1994 the Individual was arrested for Driving While Intoxicated (DWI). Ex. 8 at 2. The Individual attended another alcohol counseling program during 1994 and 1995. Ex. 10 at 4; Ex. 17 at 102, 107. The Individual was subsequently arrested in May 1995 for aggravated DWI and having an open container of alcohol in his vehicle, in June 1995 for public intoxication, and in July 1995 for aggravated DWI and eluding a police officer. Ex. 8 at 2; Ex. 12; Ex. 18 at 3. The Individual was required to seek treatment at another alcohol treatment facility in 1995 due to being convicted on the 1995 DWI charge. Ex. 17 at 98. The Individual stopped consuming alcohol in July 1995 while participating in the alcohol treatment program. Ex. 18 at 11, 30-31.

After 1995 the Individual's attendance at AA became less frequent. Ex. 17 at 33-34. In 1996, the Individual used alcohol with friends on a "three day binge." Ex. 6 at 31. In 1998, the Individual had another period of consuming alcohol, at times consuming 12 beers at a sitting during a period of a month, such that he experienced blackouts. Ex. 17 at 104, 113; Ex. 6 at 32. Pursuant to a request from his employer, the Individual was granted an access authorization in 1999. During the 1999 PSI conducted pursuant to the request for a clearance, the Individual stated that he had not consumed alcohol since July 1995. Ex. 18 at 11, 31.

In 2001 the Individual married for the second time. Subsequently, in 2003 the Individual was divorced. One of the reasons the Individual became divorced was because of a recurrence of his alcohol problem. Ex. 17 at 10, 31. In 2001, the Individual began to consume alcohol excessively at the time of his father's death and the break-up with his second wife. Individual's Exhibit (Ind. Ex.) F at 4. In February, 2003, the Individual sought alcohol "detox" treatment at a local hospital. Ex. 17 at 18. The Individual claims not to have consumed any alcohol since February 16, 2003, to have been attending AA regularly since that date and has been active in various positions in his AA group. Ex. 17 at 16-18. The Individual obtained an AA sponsor and has worked through all of the 12 steps of the AA program. Tr. at 118. At the time of the hearing the

² The Individual's 1994 alcohol-related charges were subsequently dismissed. *See* Ex 16 at 9; Tr. at 19-21.

Individual was a sponsor to two other individuals in AA and was helping them work through the 12 steps of AA. Ind. Ex. F at 7; Tr. at 121, 145-46.

At the hearing, the Individual contended that the security concerns raised by his alcohol dependence and his alleged falsifications have been mitigated by his rehabilitation from his alcohol problem.

A. Criteria H and J – Alcohol Dependence

The derogatory information concerning Criteria H and J centers on the Individual's alcohol problem. Criterion H concerns conduct tending to show that the Individual has "an illness or mental condition of a nature which, in the opinion of a psychiatrist or licensed clinical psychologist, causes or may cause a significant defect in judgment or reliability." 10 C.F.R. § 710.8(h). Criterion J concerns conduct indicating that the Individual has "been, or is, a user of alcohol habitually to excess, or has been diagnosed by a psychiatrist or a licensed clinical psychologist as alcohol dependent or as suffering from alcohol abuse." 10 C.F.R. § 710.8(j).

An individual with a security clearance who suffers from an alcohol problem raises security concerns. *See, e.g., Personnel Security Hearing, Case No. VSO-0243*, 27 DOE ¶ 82,808 (2002). Given the Psychiatrist's report finding that the Individual suffered from alcohol dependence, the local security office had more than sufficient grounds to invoke Criteria H and J.

In the present case, the parties differ as to whether the Individual can be considered rehabilitated from his alcohol problem. It is important to note that this dispute is different from the question I am ultimately asked to answer in these cases, i.e., whether granting the Individual's clearance would not endanger the common defense and security and would be clearly consistent with the national interest. Considering the issue of rehabilitation provides probative evidence that I weigh with other factors in making the broader and non-medical national interest determination concerning the Individual's clearance. *See* 10 C.F.R. 710.7(a) ("The decision as to access authorization is a comprehensive, common-sense judgment made after consideration of all relevant information . . ."). As discussed below I find that the current state of the Individual's rehabilitation resolves the concerns raised by his diagnosis of Alcohol Dependence thus supporting my decision to grant a clearance to the Individual in this case.

At the hearing, the Psychiatrist testified that while he is extremely impressed with the Individual's current efforts at rehabilitation it falls short of what is needed. He believes that only evidence that the Individual abstained for a full five years would permit him to be able to conclude with a 95 percent certainty that the Individual's risk of relapsing in the next five years would be 10 percent or less. Tr. at 180. In formulating this opinion, the Psychiatrist noted that the Individual's alcohol dependence was severe, with a history of many attempts at treatment and

with numerous relapses. Tr. at 49-50, 180.³ In sum, the Psychiatrist believes that the Individual has done everything needed for rehabilitation except demonstrate a five-year period of abstinence. Tr. at 179-80.

After the hearing the Individual submitted a evaluative report from another psychiatrist (Individual's Psychiatrist) with experience as a psychiatric consultant for DOE. Ind. Ex. F. In this report, after reviewing the Exhibits submitted by the DOE at the hearing and conducting a 2 and ½ hour examination of the Individual, the Individual's Psychiatrist concurred with the Psychiatrist's diagnosis of alcohol dependence. However, he opined that the Individual had "demonstrated adequate evidence of rehabilitation." Ind. Ex. 7 at 7. He noted, in the report, that the Individual had been active in AA for three years and attended meetings approximately five times a week. He also noted that the Individual had completed all of the steps of the 12 step program and was currently working as a sponsor, as well as performing extensive service in his AA group as treasurer and as an assistant general service representative. Ind. Ex. F at 7; Tr. at 120.

The Individual has also submitted a letter from his counselor who is currently treating him for anxiety and depressed mood problems resulting from his security clearance difficulties.⁴ Ind. Ex. C. The counselor, a licensed professional, states that he has over 20 years of experience in substance abuse counseling. He asserts his belief that true recovery (as opposed to sobriety) requires a minimum of two years of work with a recovery support system consisting of an aftercare support group or regular attendance at AA with an effective sponsor and a home AA group. Ind. Ex. C at 1. He believes that the Individual has met all these requirements for recovery. He further believes that the Individual has developed appropriate boundaries in all of his relationships, which he believes is another recovery process. Ind. Ex. C at 2. Further, the counselor believes that if the Individual was going to relapse it would have been during the past three years, a period where the Individual experienced significant stress. He estimates the probability that the Individual will relapse if he continues his current program is approximately 7 percent. Ind. Ex. C at 2.

After reviewing all of the testimony, I believe that overall the Individual is sufficiently rehabilitated to resolve the concerns raised by the derogatory information. In making this determination, I do not dispute the Psychiatrist's learned opinion regarding the risk of relapse (i.e. that the risk is greater than 10 percent). However, for the purposes of answering the ultimate question in this case, whether granting the Individual's clearance would be consistent with the national interest and not endanger the common defense, I believe the risk of relapse is low enough to support restoring the Individual's clearance.⁵ In making this determination, I find the

³ The Psychiatrist noted that of the some 1500 cases that he has reviewed for the DOE as a consultant psychiatrist, he had recommended a five-year period of abstinence in only a "handful of cases." Tr. at 180.

⁴ The DOE has not cited these problems as derogatory information.

⁵ The regulations are silent as to how low the risk of relapse must be in order to resolve a security concern concerning a diagnosis of substance abuse. In this regard, the Psychiatrist has perceptively pointed out in his report that when asked to determine whether the Individual had shown "adequate" evidence of rehabilitation, he could find

testimony provided by the Individual and his sponsor as well as the reports submitted by the Individual's Psychiatrist and counselor as persuasive on this issue. The Individual's testimony has convinced me that unlike his prior attempts at rehabilitation, he has now really internalized the fact that he had an alcohol problem and has fully accepted his AA treatment program. This is illustrated when the Individual was asked by his counsel at the hearing about his discharge in 2003 from the detox center:

Q. So how did you end up getting home [from the detox center]?

A. I walked from [the detox center] . . .

. . . .

Q. And tell me during this walk what you did?

A. During this walk I – as I left the [detox center] I remember it was Valentine's, so I saw that on the glass. As I walked out the lobby, and feeling guilty and remorseful, I began to pray and asked God -- I was tired of living like this. I was tired of, you know, having troubles with alcohol. I realize I have a problem and that I had to make an admission to myself.

Q. What do you mean by admission to yourself?

A. I had to admit that I was an alcoholic, and I had to ask for that compulsion to go away. Because up to that point I had not done that. I had not been alone by myself to make an admission to me alone that I was having alcohol problems.

Q. You had been in treatment programs before, right?

A. Yes, sir, many.

Q. What was the problem there? Why didn't they work?

A. Prior to this I had made many attempts to just satisfy my mother, my spouses, other people, rather than making an admission to myself that I have a problem. [A previous treatment facility], for instance, the first time I went, I went to just pacify my first wife. Her father was an alcoholic and she, you know, was

no DOE standard for "adequate" and so created his own definition which he used in the present case. Ex. 6 at 2 n.3 ("I am defining 'adequate' as a degree of rehabilitation or reformation where the risk of relapse in the next five years is 'low.' I am defining 'low' as 5 to 10% or less, with the 5% level being applied more to persons who are also in the Human Reliability Program.") Because the hearing officer is responsible for making the determination under Part 710, he or she is not bound by a medical expert's opinion as to what level of rehabilitation is needed to resolve a security concern raised by a particular diagnosis.

always contending that I was having an alcohol problem. And I said, no, I don't. And so in order to basically please her, I would say, okay, I'll get some help. And I went to [a previous treatment facility] that time, did the same thing with [my prior attempts at] AA.

Tr. at 99-101. When asked whether he was now going to AA to satisfy DOE, the Individual replied:

It's a matter of me staying sober and me living better life. It has nothing to do with DOE. If I worked for McDonald's I would be at Alcoholics Anonymous. It's just a matter of I don't have a wife, I don't have -- I never thought of it as having to pacify DOE, so I don't have a wife to have to pacify. That was the reason why I couldn't stay sober before, because I was always trying to pacify somebody else, I wasn't doing it for me.

Tr. at 147-48.

The Individual's level of participation in AA also provides evidence as to the depth of his recovery and provides support as to the limited risk of relapse. He currently attends AA meetings on average five times a week and has been attending regularly since 2003. Tr. at 125, 171-72; Ind. Ex. D. The Individual has provided convincing testimony indicating that he thoughtfully worked through the 12 steps of AA. *See* Tr. at 101-17. He is also sponsoring two other individuals in AA as well as having held a positions of responsibility as treasurer and assistant service representative in his AA group. Tr. at 119-20.

Significantly, since 2003, the Individual has also gone through some periods of significant stress without relapsing into alcohol use. The Individual has had to deal with a number of adverse financial problems related in part to his divorce. The Individual has been forced to sell a long-time family residence after his ex-wife had neglected the maintenance on it as well as to deal with her regarding an automobile on which she was behind on the payments. Tr. at 106-08. Additionally, he has been forced to participate in legal proceedings with his first wife concerning child visitation and child custody issues. Tr. at 108-9.

When asked what he would do if he had a desire to drink, the Individual stated that his first response would be to call his sponsor or, if his sponsor was not available, to immediately go to an AA meeting. Tr. at 147. The Individual also stated that he now has a large number of people that he feels free to call day or night if he began to have a desire to consume alcohol. Tr. at 147.

My finding that the Individual poses a sufficiently low risk of relapse is also supported by the impressive testimony provided by the Individual's current AA sponsor (Sponsor). The Sponsor first became the Individual's sponsor early in 2003 and has sponsored approximately 15 other individuals. Tr. at 171-72. He and the Individual then began to systematically work through each of the 12 steps of the AA program. Tr. at 172. Typically they would talk about each step and break it down into component parts. Once the sponsor thought that the Individual had a

fundamental understanding of that step they would go on to the next step. Tr. at 172-73. During this time they would meet together weekly for a couple of hours with the Individual also attending regular AA meetings. After three or four months the Sponsor had worked through all 12 steps with the Individual. Tr. at 174. The Sponsor believes that AA service work is a key element of recovery. Tr. at 174-75. He confirmed that the Individual's service in his AA group has included performing various roles from making coffee and setting up the meeting place for the AA meeting to being treasurer and assistant group service representative for their AA group. Tr. at 174-75. The Sponsor also cited the Individual's efforts in setting up AA meetings in a jail for two years as well as being a sponsor of other individuals in AA. Tr. at 174. The Sponsor also spoke frankly about a problem in their relationship which resulted in a discontinuation of their formal AA relationship for a period of time. Tr. at 175-76. Throughout all the time the Sponsor has known him, the Individual has never seen any evidence that the Individual consumed alcohol. Tr. at 176. While not able to guarantee that the Individual would never consume alcohol again, the Sponsor offered the following assessment as to the Individual's chances of remaining abstinent from alcohol

If [the Individual] is going to continue to do what he is doing today, going to meetings, working with other alcoholics, talking to his sponsor, reading the Big Book, [so the Individual] has a good chance of staying sober one day at a time, just as I do. What it comes down to is working the program of Alcoholics Anonymous, which is set out in the first 164 pages of our Big Book. And that's what it talks about is, we practice these principles in all our affairs, which are the 12 steps of Alcoholics Anonymous. [The Individual] is doing that today. If he continues to do that in the future then that is his insurance, he'll stay sober, as well as it is my insurance.

Tr. at 177-78.

In sum, the evidence presented at this hearing has convinced me that the Individual's rehabilitation from his alcohol problem is sufficient to resolve the security concerns raised by his alcohol problem.

B. Criterion F – Falsification

Criterion F describes a concern raised when a person has “[d]eliberately misrepresented, falsified, or omitted significant information from . . . a personnel security interview, written or oral statements made in response to official inquiry on a matter that is relevant to a determination regarding eligibility for DOE access authorization. . . .” 10 C.F.R. § 710.8(f). The DOE security program typically explains its concern about this kind of behavior in terms of trust. A person who makes false or misleading statements is not acting in a forthright and honest manner, and cannot be trusted to protect classified information and special nuclear material. *Personnel Security Hearing* (Case No. TSO-0044), 28 DOE ¶ 82,936 (2003).

The Notification Letter issued to the Individual alleges that in a 2004 PSI the Individual provided a false answer stating that “he told [LSO] representatives that his last use of alcohol was in July 1995.” Notification Letter at 4. At the hearing, the 2004 PSI Interviewer testified that:

. . . . I asked him in my interview, I said, “According to the record of information the last time you ever drank was 1995, is that correct?”

And he said “Yes.” And so he reaffirmed what he had told [the 1999 PSI interviewer]. It was only later in the interview that I asked him specifically about the '98 incident.

Tr. at 18.

However, an examination on a transcript of the 2004 PSI does not indicate that the Individual misled the LSO Interviewer about his last alcohol use:

Q: Okay. All right. So, uh, let me ask you, uh, you're marri – you was, your marriage, oh, I know what I was gonna to ask you, yeah, all right, I, I mentioned that your first wife, you had drinking, uh, you know, been drinking around her and stuff and if I'm not mistaken I read your file that you actually stopped drinking alcohol in '95.

A: Right.

Q: Okay. And then, um, you started drinking again after a later time and period but it sounds like the stress of your marriage the disagreements you and your wife were having led to you having to resort back to alcohol, is that correct?

A: That's correct.

Ex. 17 at 33. The 2004 LSO interviewer's first question references the his review of the file, “if I'm not mistaken, I read your file that you actually stopped drinking alcohol in '95,” and does not appear to be a specific question asking whether the Individual had *ever* consumed alcohol since 1995. At most, this somewhat confusing question could be interpreted as asking whether the Individual stopped consuming alcohol in 1995, to which the Individual answered truthfully.⁶ After considering the entire 2004 PSI, I believe that the Individual did not attempt to mislead the LSO interviewer about his post-1995 alcohol consumption. Consequently, I find that the Individual did not falsify an answer in the 2004 PSI.

⁶ The record indicates that the Individual has consistently stated that he temporarily stopped consuming alcohol in 1995 and there is no evidence that contradicts his assertion. *See* Ex. 6 at 31; Ex. 17 at 33-34.

In his 1999 PSI, the Individual informed a personnel security specialist that he had not consumed any alcohol since July 1995 when in reality he had consumed alcohol, as much as 12 beers a day over the course of a month, in 1998 while employed in another city. Ex. 18 at 5 (no alcohol use); Ex. 17 at 113-14 (admission of alcohol use in 1998). The Individual does not challenge the fact that he provided a false statement to the personnel security specialist conducting the 1999 PSI. However, he asserts that he did not deliberately provide a false statement but merely forgot about that period of consuming alcohol.

The Individual testified that going into the 1999 PSI his mind was focused on a number of very unfavorable incidents in his life, including his DWI arrests, and his concern that these incidents might prevent him from receiving a clearance. Tr. at 134-37, 153-54. He was focused on these events and not his bout of consuming alcohol in 1998 because he believed that these events were significantly more harmful to his attempt to receive a clearance. Tr. at 136-37, 153-54. He further testified that he was very nervous and ashamed of those incidents and because of this did not remember the 1998 drinking incident until the time of the 2004 PSI. Tr. at 154. He also believes that his alcoholism and the numerous alcohol related events in his life were partially responsible for his failure to remember the 1998 alcohol consuming period. Tr. at 138.

A review of the Individual's 1999 PSI indicates that the Individual did disclose the significant number of unfavorable incidents he mentioned in his testimony at the hearing. Further the Individual disclosed the 1998 drinking episode to the Psychiatrist and acknowledged the incident to the personnel security specialist in the 2004 PSI. Ex. 17 at 104, 113.⁷ Nevertheless, the Individual's failure to report his bout of drinking in 1998 is a serious lapse and raise significant concerns especially since this may have affected the initial decision to grant him a clearance in 1999. In mitigation, however, the isolated incident occurred almost seven years ago.⁸ Further, the Individual reported the events he believed that were more adverse to him accurately in the 1999 PSI. There is no other evidence before me that leads me to question the Individual's honesty. I believe that this incident is traceable in part to the Individual's alcohol dependence. Supporting my conclusion is the fact that the record contains a note from the Individual's counselor for anxiety and depression opining that "[The Individual] readily admits that he is alcohol dependent. Shame and guilt along with anxiety has caused confusion in times, place and events during the drinking years when his denial system was fully intact. . . . He still has difficulty remembering specific dates during the drinking years." Ind. Ex. C at 1. Because I believe that the Individual's falsification is significantly connected to his alcohol dependence, I find that the 1999 falsification was due either to denial arising from his alcohol dependence or to an actual failure in the Individual's memory about that event as opposed to a deliberate attempt to deceive the personnel security specialist in the 1999 PSI. Given the facts before me, I find

⁷ The personnel security specialist conducting the 2004 PSI testified that he believed that the Individual had been "forthright and honest" during that interview. Tr. at 25.

⁸ At the hearing, it was alleged that around the time of the 1999 PSI, the Individual gave the same misleading answer to a similar question asked by an Office of Personnel Management (OPM) Investigator. Tr. at 21. However, the Individual did not remember the incident. Tr. at 155. This incident was not raised in the DOE's Notification Letter issued to the Individual. Therefore I have not considered this incident in making my determination.

that the security concerns raised by the Individual's failure to accurately respond to a question in the 1999 PSI are sufficiently mitigated.

VI. CONCLUSION

As explained above, I find that the security concerns related to the Individual's prior history of alcohol misuse (Criteria H and J derogatory information) have been resolved. Further, I find that the falsification concern (Criterion F derogatory information) has been resolved. I conclude that granting the Individual's access authorization "would not endanger the common defense and security and would be clearly consistent with the national interest." 10 C.F.R. § 710.7(a). Consequently, the Individual's access authorization should be granted. The parties may seek review of this Decision by an Appeal Panel under the regulations set forth at 10 C.F.R. § 710.28.

Richard A. Cronin, Jr.
Hearing Officer
Office of Hearings and Appeals

Date: August 31, 2006